

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHARRIFF M. DYER,
KRISTELE L. DYER,

Case No. 12-cv-13259

Plaintiffs,

Hon. Denise Page Hood
Magistrate Mona K. Majzoub

v.

HSBC BANK USA, N.A., as trustee on behalf of the
holders of the Luminent Mortgage Loan Trust 2006-2
Mortgage Pass-Through Certificates, series 2006-2;
SELECT PORTFOLIO SERVICING, INC.;
BANK OF AMERICA, N.A.,

Defendants.

**THE LAW OFFICES OF BRIAN P. PARKER, PC'S MOTION TO WITHDRAW AS
COUNSEL TO SHARRIFF M. DYER AND KRISTELE L. DYER**

NOW COMES the undersigned counsel for The Law Offices of Brian P. Parker, PC
who currently represents the Plaintiffs, **SHARRIFF M. DYER AND KRISTELE L. DYER**
in these proceedings and states:

1. The Law Offices of Brian P. Parker PC(Counsel) had been hired to represent
SHARRIFF M. DYER AND KRISTELE L. DYER ("Plaintiffs") in a Circuit
(now Federal) court case for a wrongful foreclosure action prior to a Sheriff Sale
and for the purposes of halting the Sheriff Sale and also Quiet Title with an
agreement that compensated Counsel for his work.
2. Plaintiff Counsel has filed a lawsuit on behalf of Plaintiffs and halted the Sheriff

Sale of Plaintiffs' home. Plaintiffs' counsel also has a Motion for Preliminary Injunction pending with the Court requiring a future response by Defendants.

3. Defendants have filed a Motion to Dismiss.
4. Prior to Plaintiffs counsel responding to the Motion to Dismiss and with regard to the case and the compensation agreement between the client and counsel here, there has been a breakdown in the attorney-client relationship.
5. The Michigan Rules of Professional Conduct describe the circumstances where a lawyer may withdraw from representation under MRPC 1.16(b) (4) if the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled and (5) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client.
6. Good cause exists to withdraw from representation where the client has caused a breakdown in the attorney-client relationship. *Ambrose v. The Detroit Edison Co*, 65 Mich. App. 484, 488(1975); *Genrow v. Flynn*, 166 Mich. 564, 567-68 (1911) ("The relations between attorney and client are of a delicate and confidential nature. They should have faith in each other, and their relations should be such that they can cordially cooperate.").
7. Because of the breakdown in the relationship, the continued representation of Plaintiffs by counsel in the case is resulting in an unreasonable financial burden on counsel and his law firm.
8. Plaintiffs are aware of Counsel's reason to want to withdraw and have been asked to

find new counsel. Plaintiffs have advised Defendants that Brian Parker PC no longer represents them. Please see Exhibit 1.

9. This case is in its infancy and there has not been any discovery at this point. Plaintiffs will not be prejudiced at this juncture of the case and Defendants agree to an extension of responses to all motions and this withdrawal.
10. Counsel will continue to zealously represent Plaintiffs in this case until such time as an Order of Withdrawal is entered.
11. Defendants have filed Motions for Summary Disposition and are required to respond to an earlier motion for Preliminary Injunction to stop the Sheriff Sale. Defendants have agreed to stipulate to the withdrawal by Brian Parker PC as Counsel to Plaintiffs.
12. Defendants have agreed to 30 day extension for Mr. Dyer's response to the Motion for Summary/Dismiss, as well as seek a 30 day extension for their response to the Motion for Preliminary Injunction to Stop the Sheriff Sale while Plaintiffs seek new counsel.
13. Defendant's counsel, Laura Baucus will not oppose this motion to withdraw. Please see Exhibit 2.

WHEREFORE, The Law Offices of Brian P. Parker PC asks this Honorable Court to Order that Counsel be allowed to withdraw from this case and give Plaintiffs 30 days to find new counsel and grant extensions for the responses to the Summary Disposition of Defendant and the Motion for Preliminary Injunction to Stop the Sheriff Sale by Plaintiffs.

Respectfully submitted,

THE LAW OFFICES OF BRIAN P. PARKER PC

/s/ Brian P. Parker

Brian P. Parker (P48617)
Charles N. DeGryse (P72390)
Attorneys for Plaintiff

(1)

Brian P Parker

From: Baucus, Laura [LBaucus@dykema.com]
Sent: Thursday, October 11, 2012 3:49 PM
To: Sharriff Dyer
Cc: Jeff Graham; Brian P Parker (brianparker@collectionstopper.com); Baucus, Laura; Wolfe, Alexandra
Subject: RE: Please be advised

Mr. Dyer

Thank you for the email. Please note that until the Court permits Mr. Parker to formally withdraw as counsel from the pending litigation, he is still your attorney of record and we cannot have any direct communication with you.

Laura C. Baucus
Member
Dykema
39577 Woodward, Suite 300
Bloomfield Hills, MI 48304
(248) 203-0796
(248) 203-0763 (fax)
email: lbaucus@dykema.com
website: www.dykema.com

From: Sharriff Dyer [REDACTED]
Sent: Thursday, October 11, 2012 3:47 PM
To: Baucus, Laura
Cc: Jeff Graham
Subject: Re: Please be advised

Please be advised I am no longer being represented by Brian Parker.

Sharriff Dyer
248-895-9348

*** Notice from Dykema Gossett PLLC: To comply with U.S. Treasury regulations, we advise you that any discussion of Federal tax issues in this communication was not intended or written to be used, and cannot be used, by any person (i) for the purpose of avoiding penalties that may be imposed by the Internal Revenue Service, or (ii) to promote, market or recommend to another party any matter addressed herein. This Internet message may contain information that is privileged, confidential, and exempt from disclosure. It is intended for use only by the person to whom it is addressed. If you have received this in error, please (1) do not forward or use this information in any way; and (2) contact me immediately. Neither this information block, the typed name of the sender, nor anything else in this message is intended to constitute an electronic signature unless a specific statement to the contrary is included in this message. DYKEMA

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Brian P Parker

From: Baucus, Laura [LBaucus@dykema.com]
Sent: Thursday, October 11, 2012 4:43 PM
To: Brian P Parker
Subject: RE: Please be advised

Brian

My clients consent to a stipulation permitting your withdrawal, which includes a 30 day extension for Mr. Dyer's response to the MTD, as well as a 30 day extension for our response to the Motion for PI. Pls send draft. Thx lcb

Laura C. Baucus
Member
Dykema
39577 Woodward, Suite 300
Bloomfield Hills, MI 48304
(248) 203-0796
(248) 203-0763 (fax)
email: lbaucus@dykema.com
website: www.dykema.com

From: Baucus, Laura
Sent: Thursday, October 11, 2012 4:25 PM
To: Brian P Parker
Subject: RE: Please be advised

What's going on with this one?

Yes, will stipulate to your withdrawal and likely can stipulate to 30 day extension on any dates to find new counsel (let me confirm, get back to you shortly) Extension to include same 30 day extension for anything we may have due as well.

Laura C. Baucus
Member
Dykema
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Bloomfield Hills, MI 48304
(248) 203-0796
(248) 203-0763 (fax)
email: lbaucus@dykema.com
website: www.dykema.com

From: Brian P Parker [mailto:brianparker@collectionstopper.com]
Sent: Thursday, October 11, 2012 4:02 PM
To: Baucus, Laura
Subject: RE: Please be advised

Laura, would your client stipulate to my withdrawal as counsel to Mr. Dyer and also delay your motion so that he has time to find new counsel. Thank you.

STATE OF MICHIGAN
IN THE 3rd CIRCUIT FOR THE COUNTY OF WAYNE

SHARRIFF M. DYER,
KRISTELE L. DYER,

Plaintiffs,

Hon. Denise Page Hood
Magistrate Mona K. Majzoub

v.

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Defendants.

LAW OFFICES OF BRIAN P. PARKER, P.C.
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cdegrayse@collectionstopper.com

PROOF OF SERVICE

The undersigned certifies that she electronically filed a Motion to Withdraw along with this Proof of Service on this 12th day of October, 2012.


ALEXANDRIA BATES